

MINUTES OF MARION CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS

July 8, 2014

6:30 P.M.

A regular meeting was held by City Council on July 8, 2014 at 6:30 p.m. over which Mayor Bobby L. Davis presided. Council members Michael Baker, Ronald Atkinson, Ralph Atkinson, Odessa Gregg, Emerson Hunt and Joseph Frazier were present. Also present were City Administrator Alan Ammons, City Treasurer Patricia Brown, City Clerk Pam Jones, and City Attorney Kenneth Davis.

Mayor Davis called the meeting to order and Councilwoman Gregg gave the opening prayer. Mr. Ammons led the Pledge of Allegiance. Mayor Davis welcomed citizens, guests and the press. (Hometown TV)

Mayor Davis asked to amend the agenda to include a contractual matter in Executive Session and at the end of the agenda there will be a contractual matter upon returning the open session. Councilman Joseph Frazier made a motion to amend the agenda as requested, seconded by Councilman Michael Baker; motion carried.

Councilman Michael Baker made a motion to accept the minutes from the regular meeting on June 10, 2014 and Special Meeting June 25, 2014, seconded by Councilman Ralph Atkinson; motion carried.

Mayor Davis presented the Mayor's Beautification Award to Mr. Jason Stone from AWS. Ms. Tish Sanderson from AWS accepted the award on Mr. Stone's behalf and thanked the Mayor for recognizing Mr. Stone.

Mr. Vondell Roberts of the Sanitation Department was recognized as the *June Employee of the Month* and presented with a gift certificate. Mayor Davis thanked him for his hard work.

Regarding the SRO Agreement with the Marion County School District, Mr. Ammons and Attorney Davis recommend that a change to agreement (regarding extra-curricular activities) be made stating that any overtime incurred by the officer would be the responsibility of the school district. In full disclosure, Attorney Davis stated that his firm represents both the City and the school district, in general, and to his knowledge they are not involved in the preparation of this contract on behalf of the school district. Councilman Ralph Atkinson made a motion to approved the School Resource Officer (SRO) Agreement as presented, with the understanding that if there is any extra-curricular activity overtime, the school would pay it based on the recommendation of the Administrator and Attorney, and that we all understand that under full disclosure that the law firm of Boykin and Davis represents both the City and school district. Councilman Michael Baker seconded the motion; motion carried.

Regarding the Memorandum of Agreement with the Department of Juvenile Justice (DJJ), Mr. Ammons stated that this is a standard agreement that we do every year. This is in the event that that we make an arrest and have a juvenile detained and have to send them to Columbia. Councilman Joseph Frazier made a motion to approve the DJJ Agreement as we have in previous years, seconded by Councilman Michael Baker; motion carried.

Councilman Michael Baker made a motion to accept a budget transfer request within the Police Department, moving the uniform allowance from salaries back to the uniform account (they will purchase uniforms and be reimbursed), seconded by Mayor Pro-tem Ronald Atkinson; motion carried.

Councilman Ralph Atkinson made a motion to accept 1st Reading on **ORDINANCE 14-08, AN ORDINANCE TO ESTABLISH A TRAVEL AND SUBSISTENCE ALLOWANCE POLICY TO BE ADDED TO THE PERSONNEL POLICY**, seconded by Mayor Pro-tem Ronald Atkinson; motion carried.

Councilman Ralph Atkinson made a motion to accept 2nd Reading on **ORDINANCE 14-04, AN ORDINANCE OF THE CITY OF MARION, SOUTH CAROLINA, ESTABLISHING A FEE SCHEDULE FOR CITY FACILITIES**, seconded by Councilman Michael Baker; motion carried.

Councilman Ralph Atkinson made a motion to accept 2nd Reading on **ORDINANCE 14-05, AN ORDINANCE TO AMEND PART 7, SECTION 7-6008, YARD SALES**, seconded by Mayor Pro-tem Ronald Atkinson; motion carried.

Regarding 2nd Reading on **ORDINANCE 14-06, AN ORDINANCE TO APPROVE 2014-15 CAPITAL BUDGET**, Mr. Ammons stated this was discussed at the last meeting and he would like to add for the Police Department, \$5,700 to the budget. This will not increase funds, it will come from the money saved on the sweeper bids (approx... \$10,000) and will be used for carpet at the police station. Mayor Pro-tem Atkinson commented that he knows we need equipment and cars, but would like to know where the \$65,000 will come from to make the payment each year, and going on what Mr. Ammons has said, if we get the right equipment and personnel to enforce speed limits, etc. this is where the money will come from. Mayor Pro-tem Ronald Atkinson made a motion to accept 2nd Reading on **ORDINANCE 14-06, AN ORDINANCE TO APPROVE 2014-15 CAPITAL BUDGET** and also include the carpet for the Police Department, seconded by Councilman Michael Baker. Councilman Ralph Atkinson commented that the copy of the Ordinance he was given was blank in where it states "source of revenue" and "total projected revenue". Mr. Ammons commented that the amounts were stated in the bank bids, that the City would lease purchase on \$400,000 and \$100,000 would come from the fund balance. Councilman Ralph Atkinson wants to clarify that the source of revenue is to borrow the money. Mr. Ammons stated that when we approve which bank we will use, it (the bank and amount) will be put in the Ordinance. Mayor Pro-tem Atkinson withdrew his motion until the bank bids are finalized. Mr. Ammons stated that the City sent out bids to all local banks and

received proposals from Anderson Brothers Bank, TD Bank and First Citizens' Bank. The low bid on the lease purchase was First Citizens' at 2.32% and is the recommendation of Mr. Ammons. Mayor Davis thanked all the banks for the responses to our bid requests. Mayor Pro-tem Ronald Atkinson made a motion to accept the bid from First Citizens' Bank for 2.32% and give 2nd Reading on **ORDINANCE 14-06, AN ORDINANCE TO APPROVE 2014-15 CAPITAL BUDGET**, seconded by Councilman Joseph Frazer. The motion carried **6-1**, with Councilman Ralph Atkinson voting **no**.

Councilman Michael Baker made a motion to give 2nd Reading on **ORDINANCE 14-07, AN ORDINANCE TO CREATE OFFICE OF MINISTERIAL RECORDER**, seconded by Councilman Emerson Hunt; motion carried.

Regarding bids on the street sweeper, Mr. Ammons stated that Amick Equipment had the low bid of \$151,275 and will be available in 2-3 weeks and has a 24 month 24,000 mile warranty. Mayor Pro-tem Atkinson asked if this sweeper had been checked out, to which Mr. Ammons responded that it had and is the best sweeper on the market. Mayor Pro-tem Ronald Atkinson made a motion to accept the low bid of \$151,275 from Amick Equipment for the new street sweeper, seconded by Councilman Emerson Hunt. Motion carried **6-1**, with Councilman Ralph Atkinson voting **no**.

Regarding bids on police vehicles, Mr. Ammons stated that there is only one police car available at this time and is on State purchase and is located in Beaufort. There are no silver vehicles in stock, but we are still searching. The available car is a dark blue Dodge Charger. Councilman Joseph Frazier made a motion to move forward and purchase the one car that is available. Seconded by Councilman Michael Baker. The motion carried **6-1**, with Councilman Ralph Atkinson voting **no**.

ADMINISTRATOR'S REPORT

Mr. Ammons reported that the work on the Tollison Center and Elementary Gym are on schedule, with the plumbing and electrical being roughed in.

The Sanitation and Street Departments are on the summer schedule, beginning at 6:30 a.m. due to the hot weather. This schedule will remain until around Labor Day.

CITY ATTORNEY'S LEGAL UPDATE

Attorney Kenneth Davis commented that they had implemented a newsletter at no cost to the City of Marion that will keep the City updated on legal highlights. There is a recent decision by the State Supreme Court that upholds the right of the Council, and other public bodies, to amend their agenda. The US Supreme Court has upheld the right to have prayer before meetings. Mayor Davis questioned something he had read that stated we could amend the agenda, but also stated that we didn't have to have an agenda. Attorney Davis responded that is

correct; FOIA says that an agenda, if any, must be posted 24 hours ahead of the meeting. Attorney Davis commented that the better practice in the interest of public exposure, is to always have an agenda. Special meetings and emergency meetings can only discuss the items that the meeting was called for and cannot be amended. Mayor Davis strongly recommended to Council that the City continue with the agenda so the public will know what we plan to talk.

DEPARTMENTAL REPORTS

Mayor Davis stated that departmental reports are always included in Council's packets, but would like to give Department heads an opportunity to address any issues. Assistant Police Chief Dewayne Tinney thanked the Mayor for the opportunity to work for the City of Marion. Fire Chief Trey Cooper commented that there would be a smoke alarm blitz and between 75 and 100 smoke alarms would be given out and installed on Saturday. The target area is Liberty Street to Pickens Street and Main Street to Robinson Street, as they have the highest density of fires. The fire/smoke house will be going to the summer camp on July 14th for a demonstration for the campers. HMRA Executive Director Al Blake commented that they were heavily promoting the City of Marion, there will be extending shopping hours in downtown Marion on July 24th from 4-8 p.m. and encourages everyone to come out and support our local merchants. Councilman Frazier inquired as to what was being done at the downtown location of the farmer's market to which Mr. Blake responded HMRA owns 2 lots in that space and is trying to purchase the 3rd and is still searching for funds to help with the project. Mrs. Mary Eaddy stated that the Citizen's Advisory Committee was in recess for the summer.

DISTRICTS AND CITY UPDATES FROM COUNCIL AND MAYOR

Councilman Emerson Hunt asked Mr. Ammons about the status of the IGA, due to it being an eyesore and also very dangerous. Mr. Ammons responded that everything is finally in place with DHEC to continue the cleanup. The owner has to purchase an abatement plan in order to proceed, but has been out of the country (which has caused some of the delay). The biggest delay has been with the DHEC permits. Councilman Hunt asked if there was anything we could force the owner to put up a fence to keep people out the area, to which Mr. Ammons responded that a letter would be sent to the owner and request that he secure the property. Councilman Hunt asked if the attorney could research this, as it is a public safety issue and there should be something that can be done to secure that property. Mr. Ammons will notify the owner. Mayor Davis has contacted DHEC and there is a state requirement that any commercial building that is being torn down, DHEC must give permission and issue a permit after the asbestos check is completed. The contractor did not have that, so DHEC stopped the cleanup. Asbestos cannot be dumped in any landfill, it now must be hauled to Lee County. We are hopeful that we can start moving forward in the next few days.

Councilwoman Odessa Gregg visited the Marion Police Department and was given a tour and encouraged all Council members to visit the Marion Police Department before the next Council meeting so that everyone can see what it looks like and so that there would be five other opinions about the building, along with hers. Mayor Davis congratulated Councilwoman Gregg on completing her courses from the Municipal Elected Officials Institute of Government and will receive her diploma at the opening ceremony at the annual MASC meeting.

Councilman Ralph Atkinson had no comment at this time.

Mayor Pro-tem Ronald Atkinson commented that he had visited the Police Department and it does need maintenance work.

Councilman Joseph Frazier is still concerned about safety issues with the retention pond by Dollar General (on S. Main St.). Mr. Ammons responded that the City does not have anything in our ordinance to make them correct this, but he has sent two letters to them strongly suggesting that we had safety concerns. We can actually put into our Planning/Development ordinance that we require a fence around a retention pond since DHEC is now requiring commercial sites of more than one acre to have a retention pond. Mr. Ammons commented that Council might want to look into adding this to the ordinance. Councilman Frazier was disturbed that he went to the Fire Department and found it closed and doesn't understand why. These firemen are being paid by the City of Marion to protect us and what if a fire broke out and they called the department and nobody was there. What is the solution? Councilman Frazier further commented that the station should be manned 24/7, regardless. He was told the firefighters were in training but stated that there should still be somebody at the Fire Department. He had to call the City to get 911 to respond to an accident on Senator Gasque Road and the County needs to be notified of this as it is unacceptable. Councilman Frazier spoke with Senator Williams about the speed limit signs being placed on McEachern Heights. Councilman Frazier has received calls from residents in different districts and stated they should be calling their Council member with their concerns about the overgrown property and abandoned houses. Councilman Frazier asked if the Mayor or the City receives a report on the money raised by the Fire Department (i.e. Bucket Day). Fire Chief Trey Cooper asked to respond to this and stated that the money taken up on the street corner twice a year does not go to the Fire Department, that goes to the Rescue Squad which pays for ambulances we staff, along with equipment that the Rescue Squad and the Fire Department use. Councilman Frazier there should be a report to the City and asked if he was correct that they were raising funds in the name of the City. Chief Cooper responded that he was not correct, the Marion Rescue Squad is not under the City (the Rescue Squad, not the Fire Department does the fund raising) The Rescue Squad and the Fire Department work hand-in-hand, but are two different organizations; the Rescue Squad is a private entity whereas the Fire Department is a Municipal Fire Department under City Council. The Rescue Squad has their own budget and their own Board of Directors. Due to the fact that the Rescue Squad works with the Fire Department, our ISO rating stays down. In

response to the training issues, Chief Cooper stated the Fire Department has four full-time people, 8 a.m. to 5 p.m., 2 on day work and 2 on 24 hours and in that they must train. They train as a team and as a family they eat together, learn together, and respond to calls together; a fireman can do nothing by himself. Unfortunately, we don't have the staff to man the station or answer the phone all the time; however, we all have radios, pagers and a phone so that all calls are answered if we are away from the station. In response to Councilman Frazier's question as to having a volunteer man the post, Mayor Davis responded that it has to be an Engineer.

Councilman Michael Baker asked to receive the overgrown lots report before the end of the month. Mr. Ammons responded that the Council would receive a report every couple of weeks with a list of the names/addresses of the property owners who received the nuisance letters, rather than a copy of each letter. Councilman Baker commented that he and the residents in the Euclid Street area appreciate those waist-high, overgrown lots being cut. Mayor Davis commented that upon returning from the MASC meeting, that he, Mr. Ammons and Dennis Brown will try to come up with a way to improve how we handle the overgrown lots, as there is a problem trying to keeping up with all the grass issues. Mr. Ammons commented that there have been over 250 notices sent out and we have still not gotten to all of them.

Mayor Bobby L. Davis commented that we are in the process of tearing down houses in Marion. In order to take care of or tear down abandoned property, we must go through proper procedures; we cannot just go onto someone's property and tear the building down or cut the grass. The procedure is send Dennis out to identify the property, a letter will be written and sent to the property owner, giving them x-number of days to clean it up or the City will come in and the charge for cleanup will be put on their taxes, as stated in the ordinance. It is hard to locate some of the out-of-town and out-of-state owners, but we make every attempt to find them. We are working closely with the County and they are helping us remove debris from these houses. Mayor Davis would like to ask Council to give him the authority to work with the County since they are using their equipment to help us and occasionally they may want to use one of our trucks. Councilman Ralph Atkinson made a motion to give the Mayor the authority to work mutual aid with the County, with the other municipalities in the County, and mutual aid with debris removal and whatever, and comes back to Council with a report as to where the City's equipment actually went. The motion was seconded by Councilwoman Odessa Gregg; motion carried. Mayor Davis thanked the volunteers for their work at the summer program. Camp is going well at this point and Mayor Davis had pictures to pass around for Council's perusal. This is the most diverse group we have ever had at Grice's and we are very proud of that. The City flags will be in tomorrow and can be purchased by businesses or residents at City Hall. The City will begin flying the flags next week. The City of Marion will host the Independence Day celebration next year. Mr. Al Blake has been appointed by the GSWSA Board to serve on their advisory committee. Mayor Davis commented that regarding PDRTA, Mullins agreed to match our \$2,850, Marion County is contributing \$7,000. The timeline for PDRTA has changed and they will apply for a smaller grant of \$5,000 in order to keep the buses

running. In conjunction with Marion County, the City of Marion will be hosting the Flying Tigers Remote Control (RC) air show at the airport on July 26th. The Flying Tigers will be presenting this event at no charge to the City. Everyone is encourage to come out and enjoy the day. Mayor Davis stated that we have applied for a \$5,000 grant from the Healthcare Foundation to assist with the summer program trips. Mayor Davis gave Council a copy of the new police pay scale (which is the entire salary that includes all social security, dental, health and life insurance paid by the City) and is pleased that Council made it possible for the Police Department to be much better paid and will help us maintain our officers. Mayor Davis commented that we appreciate our Police Department and the tough job they have.

Councilman Joseph Frazier made a motion to enter Executive Session to discuss Police Department – Personnel Matter and Recreation Department – Personnel Matter, seconded by Councilman Michael Baker. Councilman Ralph Atkinson asked if the agenda could be amended to allow Mr. Freddy Campbell to make his public comments before Council goes into Executive Session as they have been waiting a long time and we don't know how long the Executive Session will take. Mayor Davis commented that without objection from Council that could done, to which Councilman Frazier withdrew his motion.

PUBLIC COMMENTS

Mr. Freddy Campbell was present to discuss a fatal auto accident in which his sister, Patricia Skipper, was killed. The accident occurred on S. Main Street near E. Baptist Street in Marion in 2011. Mr. Campbell gave Mayor Davis, each Council member and Chief Gray copies of numerous reports and information gathered since the accident. His concern is that no one investigated this accident thoroughly and the family cannot get any answers. He stated that Chief Gray said the MAIT team would handle the investigation and the MAIT team referred Mr. Campbell back to Chief Gray. Mr. Campbell commented that he has called and left numerous messages for Chief Gray and no one will return his calls. Mr. Campbell's family is concerned because the driver who caused the accident has a history of seizures. They are also concerned that there were no charges filed against the driver. Mr. Campbell asked that Council look at the data presented. Mayor Davis commented that he was sorry for his loss and hoped that each Council member would look at the information presented by Mr. Campbell.

EXECUTIVE SESSION

Councilman Joseph Frazier made a motion to enter Executive Session to discuss Police Department – Personnel Matter and Recreation Department – Personnel Matter, seconded by Councilman Michael Baker; motion carried.

Upon returning from Executive Session, Mayor Davis stated that no action was taken. Mayor Pro-tem Ronald Atkinson made a motion to enter regular session, seconded by Councilman Joseph Frazier; motion carried.

Councilman Emerson Hunt made a motion to give Chief Gray \$4,800 so that he will be able to buy his earned time for his retirement next March, seconded by Mayor Pro-tem Ronald Atkinson. The motion carried **4-3**, with Mayor Bobby L. Davis, Mayor Pro-tem Ronald Atkinson, Councilman Emerson Hunt and Councilwoman Odessa Gregg voting **yes** and Council Members Ralph Atkinson, Michael Baker and Joseph Frazier voting **no**.

Mayor Pro-tem Ronald Atkinson made a motion to allow the Recreation Director to drive her City vehicle home, seconded by Councilman Joseph Frazier; motion carried.

Councilman Ralph Atkinson made a motion to rescind Personnel policies requiring disciplinary action put into place January 2010 and April 2010, at the recommendation of Council. The motion was seconded by Councilman Emerson Hunt and carried.

Councilman Ralph Atkinson made a motion to give approval on the contractual matter that was brought before Council pertaining to an agreement and general release, in regards to the City of Marion and a minor child, and that the \$1,000 discussed will be transferred or used from the Recreation budget and not the City budget. Councilman Michael Baker seconded the motion and the motion carried.

Mrs. Heather Evans and family members came before the Mayor, Council and others as Municipal Court Judge Patricia Speth swore in Heather as a Ministerial Recorder for the City of Marion. She was commended on a job well done.

ADJOURNMENT

With no further business to discuss, Councilman Michael Baker made a motion to adjourn, seconded by Mayor Pro-tem Ronald Atkinson; motion carried.

Mayor Bobby L. Davis

City Clerk Pam Jones

July 8, 2014